MINUTES OF MISSISSIPPI TORT CLAIMS BOARD THURSDAY, MARCH 14, 2013

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Whitley, Onetta; Acting Chairman; Deputy Attorney General, Representing Attorney General Jim Hood

Chaney, Mike; Commissioner, MS Insurance Department

Fitch, Lynn; Treasurer, State Treasury

Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance Department

Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Burleson, Wes; Tort Claims Board

Donaldson, Bruce; Tort Claims Board

Jackson, Laura; Cannon Cochran Management Services, Inc.

Kelly, Trina; Tort Claims Board

Logan, Jim; Tort Claims Board

McElroy, Lea Ann; Tort Claims Board

Milner, Steve; Tort Claims Board

Woodcock, J. D. "Woody"; Attorney General's Office

Wray, Rita; Department of Finance and Administration

Younger, Jim; Department of Public Safety

Motion was made by Commissioner Chaney to approve the minutes of the January 10, 2013, meeting. Mrs. Fitch seconded the motion, which passed unanimously.

Under Old Business, Mrs. McElroy reviewed a summary of current legislation staff is following this Session. She also reported that the Governor has appointed a new Chairman – P. Ryan Beckett. Mr. Beckett is currently working on Senate confirmation and should be in attendance at the May meeting.

Under New Business, Mrs. McElroy introduced Wes Burleson. Wes is the newest member of the staff and will be working with Bruce Donaldson managing claims.

Mr. Jim Logan presented the financial report through February 28, 2013. Assessment receipts of \$4 million reflect collection of 100% of the total assessment for the year. Total expenditures through February were \$3.5 million. Funds by account breakdown with \$2.1 million in the Treasury, \$102,718 in the Trustmark TPA account, and \$13.1 million in

investments. Mr. Logan advised that the fund has \$6.5 million reserves, and \$8.8 million unencumbered cash. Claim payments to-date total \$1,033,978; legal expenses total \$811,027; other expenses total \$14,900. The average claim paid is \$1,966 with an average reserve of \$10,092. Mr. Logan then reviewed the Budget Comparison Report, also through February, by category.

In the absence of Mr. Wilson, Mr. Logan reviewed the February 2013 portfolio highlights. The total portfolio of \$13.1 million reflected a yield of 2.14% at the end of February. Mr. Wilson had hoped to be at this level by the end of the fiscal year. We are ahead of schedule due in part to growth in housing and unemployment. Mr. Wilson now looks to achieve 2.5% by next fiscal year.

Mr. Milner reviewed the Loss Control activities since the last Board meeting. He has completed Defensive Driving training for three (3) transportation districts – Yazoo City, McComb, and Hattiesburg – and is training in Jackson this week. He has trained 1,800 MDOT employees in those three districts, plus over 420 this week. He is very optimistic this will reduce fleet liability exposure for the Department of Transportation.

Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Vikki J. Taylor of Gibbs Whitwell, PLLC. Ms. Taylor meets the eligibility requirements of the Board and staff recommends approval. Mr. Upchurch moved to approve and Mrs. Fitch seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 29 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Upchurch made a motion to approve the list and Mrs. Fitch seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.

MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER

LYNN FITCH, BOARD MEMBER Copyright)
JIM HOOD, BOARD MEMBER	
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ALBERT SANTA CRUZ, BOARD MEMBER	

KEVIN J. UPEHURCH, BOARD MEMBER

Mississippi Tort Claims Board Thursday, March 14, 2013 – 1:30 P.M.

AGENDA

I.	Approval of Minutes
	A. January 10, 2013

- II. Old Business
 - A. Legislation Summary
 - B. Chairman
- III. New Business
- IV. Financial Reports
 - A. Financial Report Jim Logan
 - B. Investment Report Jim Logan
- V. Loss Control Steve Milner
- VI. Attorney General's Report Lea Ann McElroy
- VII. Certificates of Coverage Lea Ann McElroy
- VIII. Claims Report None
- IX. Adjournment

MINUTES OF MISSISSIPPI TORT CLAIMS BOARD THURSDAY, JANUARY 10, 2013

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Lanford, Mike; Acting Chairman; Deputy Attorney General, Representing Attorney General Jim Hood

Chaney, Mike; Commissioner, MS Insurance Department

Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch (via telephone)

Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance Department

Manning, Ricky; Assistant State Treasurer, Representing Treasurer Lynn Fitch Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Burkhalter, Chris; Bickerstaff, Whatley, Ryan & Burkhalter

Donaldson, Bruce; Tort Claims Board

Hopson, Senator Briggs; Senate

Jackson, Laura; Cannon Cochran Management Services, Inc.

Kelly, Trina; Tort Claims Board

Logan, Jim; Tort Claims Board

McElroy, Lea Ann; Tort Claims Board

Wilson, Jeff; Trinity Capital

Woodcock, J. D. "Woody"; Attorney General's Office

Wray, Rita; Department of Finance and Administration

Younger, Jim; Department of Public Safety

Motion was made by Mr. Upchurch to approve the minutes of the November 15, 2012, meeting. Mrs. Kelsey seconded the motion, which passed unanimously.

There was no Old Business.

There was no New Business.

Mr. Jim Logan presented the financial report through December 31, 2012. Assessment receipts of \$3.8 million reflect collection of 93% of the total assessment for the year. The balance should be received in January. Total expenditures through December were \$2.9 million. Funds by account breakdown with \$4.07 million in the Treasury, \$199,897 in the Trustmark TPA account, and \$11.4 million in investments. Mr. Logan advised that the fund has \$6.3

million reserves, and \$9.3 million unencumbered cash. Claim payments to-date total \$941,901; legal expenses total \$619,226; other expenses total \$9,815. The average claim paid is \$2,155 with an average reserve of \$9,225. Mr. Logan then reviewed the Budget Comparison Report through the first allotment period by category.

Mr. Jeff Wilson reviewed the December 2012 portfolio highlights. The total portfolio of \$11.63 million reflected a yield of 1.75% at the end of December. This is the first time in the last six months we've seen an increase in this percentage. One more hurdle remains with the debt ceiling, but Mr. Wilson still expects to achieve 2% by fiscal year 2013 year-end.

In Mr. Milner's absence, Mrs. McElroy reviewed the Loss Control activities since the last Board meeting. The four (4) emergency responses were MEMA-related. You will see those reported when state agencies are involved. Mr. Milner is in McComb this week conducting Defensive Driving classes for the Department of Transportation. He will cover one district a month, wrapping up with Tupelo in May. MDOT is making this training mandatory statewide for all personnel who currently operate or who may operate an agency vehicle. We are very excited about this collaboration! Feedback from participants and MDOT administration is very good. MDOT is very happy with the money we are saving them since Mr. Milner's services are free.

Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Scott F. Singley of Brunini, Grantham, Grower & Hewes, PLLC. Mr. Singley meets the eligibility requirements of the Board and staff recommends approval. Mr. Upchurch moved to approve and Mrs. Kelsey seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 107 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Upchurch made a motion to approve the list and Mrs. Kelsey seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.

MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER

LYNN FITCH, BOARD MEMBER

JM HOOD, BOARD MEMBER

KEVIN J. UPCHURCH, BOARD MEMBER

Tort Claims Act Legislation Summary 2013 Legislative Session

Bill No.	Introduced	Action	Pafaranca	Description	
	ру	1 (2 (24)	11 16 1	"Mississinni Charter Schools Act	Senate amended version
нв369	Moore	Referred to Education (1/21)	11-40-1	Missippi Charter Schools Acc	delice directions
		Passed Committee Substitute (1/22)		of 2013"	does not include any
		Committee Substitute Adopted (1/23)		1	reference to 11-46-1 put
		Amended (1/23)		Revise the definition of the	says, "All public charter
		Passed as Amended (1/24)		terms "employee" and "political	schools in the state
		Motion to Reconsider Entered (1/24)		subdivision" to extend coverage	established under this act
		Motion to Reconsider Tabled (1/25)		for torts to charter schools	are public schools and are
		Transmitted to Senate (1/25)			part of the state's public
		Referred to Education (2/11)			education system. (Lines
-		Passed Committee as Amended (2/28)		,	93-95)
		Amended (3/13)			
		Passed as Amended (3/13)			
SB2674	Harkins	Referred to Environmental Protection,	11-46-1	Establishes the Rankin-Hinds	
J. J		Conservation and Water Resources (1/21)		Pearl River Flood and Drainage	
		Passed Committee (2/5)		Control District	
-		Passed Senate (2/6)			
		Motion to Reconsider Entered (2/6)		Clarifies the status of flood and	
		Motion to Reconsider Tabled (2/12)		drainage control districts as	
	A. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	Transmitted to House (2/12)		political subdivisions	
	-	Referred to Conservation and Water			
		Resources (2/20)			
		Passed Committee as Amended (2/28)			
		Passed House as Amended (3/1)			
		Returned for Concurrence (3/4)			
		Senate Concurred with Amendment (3/12)			

							SB2751 Jolly
Transmitted to Senate (3/11)	Passed House (3/7)	Passed Committee (2/28)	Referred to Jud A (2/20)	Transmitted to House (2/8)	Passed Senate (2/7)	Passed Committee (1/31)	Referred to Jud A (1/21)
						11-46-17	11-46-1
	corrections	Technical and grammatical		of the Tort Claims Act	Departments within the scope	and Volunteer Fire	Include Volunteer Firefighters
	Estate of copie	Foppenheimer v. me	Poppophoimor: The	hesait of Judicial decisions	Docult of indicial docisions	with Senate staff to draft	Tort Claims staff worked

Combined Financial Report - Fiscal Year 2013 Fund 3080

----CASH FLOW ANALYSIS-----

	- NOU	FLUW ANALTS	J			
		January		February	Ye	ear-To-Date
REVENUE: Assessments Received		211,383.74		20,048.54		4,072,101.72
Interest		3,824.77		1,315.38		18,890.63
Investment Interest		6,489.71		13,221.06		141,822.75
Workers Comp Service Fees		7,181.07		0.00		14,627.17
Sale of Scrap		679.00		877.00		4,265.25
Prior Year Cancelled Warrant		0.00		0.00		422.00
Transfer In Funds		0.00		0.00		1,000,000.00
Total Revenue	\$	229,558.29	\$	35,461.98	\$	5,252,129.52
EXPENSES:						
Claim Losses - TCB and TPA		44,713.88		47,362.75		1,033,977.54
Legal Expenses - TCB and TPA		138,150.16		53,650.65		811,027.26
Other Expenses - TCB and TPA		2,448.00		2,636.47		14,899.75
Administrative Expenses Paid		42,166.50		241,126.69 0.00		688,506.50
Transfer of Funds - Out		0.00	_			1,000,000.00
Total Expenses	\$	227,478.54	\$	344,776.56	\$	3,548,411.05
FUNDS ON HAND:	φ	4E 670 76E 70	Φ.	15,672,845.45		
Beginning Balance Revenue	\$	15,670,765.70 229,558.29	Φ	35,461.98		
Expenses		(227,478.54)		(344,776.56)		
Adjustments		0.00		0.00		
Total Funds	\$	15,672,845.45	\$	15,363,530.87		
Cash in Treasury	\$	2,380,711.32	\$	2,121,402.52		
Investment in Treasury	\$	13,139,410.00	\$	13,139,410.00		
TPA Trustmark Bank Balance		152,724.13		102,718.35		
Total Funds By Account	\$	15,672,845.45	\$	15,363,530.87		
Less Reserves	\$	6,631,718.38	\$	6,509,554.48		
Unencumbered Funds Available	\$	9,041,127.07	\$	8,853,976.39		
CLAIMS/F	RESEF	RVES DETAIL (Y	ear	-To-Date)		
		Tort Board		Mgt. Services		TOTAL
Claims - Payments	\$	1,358.58	\$	1,032,618.96	\$	1,033,977.54
Claims - Legal Expenses		811,027.26		-		811,027.26
Claims - Other Expenses		<u>-</u>		14,899.75		14,899.75
Total Paid Out to Date	\$	812,385.84	\$	1,047,518.71	\$	1,859,904.55
OUTSTANDING RESERVES		50,120.75		6,459,433.73		6,509,554.48
Total Claims & Reserves	\$	862,506.59	\$	7,506,952.44		8,369,459.03
Number of Claims Created		2		718		720
Number of Claims Paid		4		522		526
Total Open Claims		17		628		645
AVG. CLAIM \$ / # CLAIMS PAID	***************************************	\$339.65		\$1,978.20	\$	1,965.74

NOTE: Information represents combined operations for Treasury Fund 3080 and the Trustmark account (utilized by CCMSI).

AVG. RESERVE / OPEN CLAIMS

\$2,948.28

10,092.33

\$10,285.72

\$

Budget Comparison Report Treasury Fund 3080 Fiscal Year 2013

Expenses:	Total Budget		January 2013	February 2013		Year To Date Expenditures		Ending Balance	Percent Expended
A1-Salaries	\$ 530,756.00	\$	34,988.38	\$ 38,585.10	\$	322,292.60	\$	208,463.40	60.72%
A2-Travel	10,000.00		0.00	0.00		3,491.22		6,508.78	34.91%
B-Contractual	4,710,264.00		144,552.76	255,509.03		1,168,738.71	;	3,541,525.29	24.81%
C-Commodities	8,300.00		755.02	669.71		4,879.18		3,420.82	58.79%
D2-Capital Outlay	3,500.00		0.00	0.00		0.00		3,500.00	0.00%
E-Subsidies	4,000,000.00		0.00	0.00		1,001,358.58	:	2,998,641.42	25.03%
SUBTOTAL TPA Expended	\$ 9,262,820.00	<u>\$</u>	180,296.16 47,182.38	\$ 294,763.84 50,012.72	<u>\$</u>	2,500,760.29 1,047,650.76	\$	6,762,059.71	<u>27.00</u> %
TOTAL Expended		\$	227,478.54	\$ 344,776.56	\$	3,548,411.05			



March 1, 2013

Mr. Jim Logan Mississippi Tort Claims Board P O Box 267 Jackson, MS 39205-0267

Re: February 2013 Portfolio Highlights

Total Portfolio		\$13,151,067 + accrued
		1.000/
Fiscal YTD Internal Rate of Return		1.22%
Current Portfolio Yield		2.14%
Weighted Average Life		Approximately 2.50 years
YTD Interest Earned	Fiscal Year	141824
Accrued Interest		48655

Security Inventory Booking Report February 2013 MISSISSIPPI TORT CLAIMS FUND

Security Group	Туре	Par Value	Book Value/ Cost	
AGEN	FNMA AID FHLB	6,950,000 250,000 1,425,000	6,937,384.50 268,427.50 1,424,237.50	
СМО	GNMA GN ARM GN FLOATER FHR	3,212,998 708,736 474,564 306,512	3,344,225.73 357,263.16 151,740.94 293,606.17	
INTEREST			13,221.06	
CASH			374,181.60	
			13,151,067.10	

Transfer:



MIKE CHANEY, Commissioner Insurance Department TRUDY FISHER, Executive Director Department of Environmental Quality LYNN FITCH, Treasurer Department of Treasury JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

MEMORANDUM

TO:

Mississippi Tort Claims Board

FROM:

Steve Milner

DATE:

March 14, 2013

RE:

Loss Control Report

Since the last Board meeting, loss control and risk management services for both the Tort Claims Board and the State Agencies Self-Insured Workers' Compensation Trust included:

- 12 Defensive Driving Classes
- 6 State Property Inspections
- 5 Ergonomic Assessments
- 1 Highway Construction Safety Inspections
- 3 Accident Investigations
- 4 State Property Construction Safety Inspections
- 3 Emergency Responses
- 1 Earthquake Drill
- 1 ADA Assessment
- 2 Floor Monitor Training Classes



MIKE CHANEY, Commissioner Insurance Department TRUDY FISHER, Executive Director Department of Environmental Quality LYNN FITCH, Treasurer Department of Treasury JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

MEMORANDUM

TO: Mississippi Tort Claims Board

FROM: Lea Ann McElroy **DATE:** March 14, 2013

RE: Additions to Defense Attorney List

RECOMMENDATION: Staff recommends approval of (1) attorney for

inclusion on Defense Attorney List

Vikki J. Taylor, Esquire Gibbs Whitwell, PLLC 1400 Meadowbrook Road, Suite 100 Jackson, Mississippi 39211

Attachments



Vikki J. Taylor

Email: vtaylor@gibbswhitwell.com

Telephone: 601.487.2626

Facsimile: 601.366.4295

February 6, 2013

Ms. Lea Ann McElroy, Administrator Mississippi Tort Claims Board 501 North West Street Suite 1301-C Jackson, Mississippi 39201

RE: Approved Attorney List

Dear Ms. McElroy:

I am writing to ask that my name be added to the State of Mississippi's approved attorney list. I joined the law firm of Gibbs Whitwell PLLC as a partner in October 2011. I have extensive experience representing governmental entities, primarily in the Mississippi Delta. I have attached a copy of my resume for your consideration.

If you need a reference or additional information, feel free to call me at (601) 487-2626.

Sincerely,

Gibbs Whitwell PLLO

Vikki J. Taylor

VJT/pw Enclosure

VIKKI J. TAYLOR, ESQ.

GibbsWhitwell PLLC

1400 Meadowbrook Road, Suite 100 Jackson, Mississippi 39211

Phone: (601) 487-2626

Vikki J. Taylor is a Partner at GibbsWhitwell PLLC. She has over 20 years experience and is an accomplished lawyer representing national and local businesses in many aspects of litigation.

EDUCATION

- University of Mississippi, Juris Doctor, 1992
- Mississippi University For Women, Bachelor of Science, cum laude, 1990

AREAS OF EMPHASIS

Employment Litigation, Commercial Litigation, Civil Rights, Product Liability, Contract Disputes, Governmental Liability, Medical Malpractice Defense, Class Action/Multi-Party Litigation, Personal Injury

EXPERIENCE

Employment Law:

• Discrimination claims, including race, age, gender, pregnancy, religion and national origin; Harassment and Hostile Work Environment; Civil Rights; Family and Medical Leave Act; Americans With Disabilities; Retaliatory or Wrongful Termination; Employee Leaves of Absence; EEOC Charges of Discrimination; EEOC investigations.

Governmental Liability:

• Ms. Taylor has defended governmental entities, as well as their elected officials and employees, in the areas of civil rights, governmental tort liability, and employment law issues.

Insurance Defense:

• Ms. Taylor defends insurance carriers and their insureds in the areas of negligence, professional malpractice, employment discrimination, products liability, errors and omissions, and premises liability.

School Law:

• Ms. Taylor has represented school districts on issues related to employment, student privacy, student and faculty discipline, tenure denials, student athletics, and other aspects of education law.

Premises Liability and General Negligence Claims:

 Ms. Taylor represents apartment complexes, commercial businesses, grocery stores, hospitals, hotels, landlords, restaurants, retail stores and other property owners in a wide range of premises liability matters, including slip and falls, sexual abuse, assaults and indoor air quality.

Banking Litigation/Lender Liability:

 Ms. Taylor was a member of the litigation team that defended financial institutions against hundreds of claims where the plaintiffs alleged predatory lending practices.

Products Liability:

• Ms. Taylor has defended clients in product liability claims involving silicone breast implants, medical devices and motor vehicle defects.

Medical Malpractice Defense, Products Liability:

• Ms. Taylor spent the first half of her career at a general practice law firm, where she defended hospitals, doctors, nurses and other medical personnel against medical malpractice and other negligence claims.

HONORS, PROFESSIONAL AND CIVIC ACTIVITIES

- In 2009 Ms. Taylor was elected to Meritas Law Firms Worldwide's Board of Directors to serve a three-year term. Meritas is an international alliance of business law firms consisting of 172 law firms, 6846 lawyers in 60 countries
- Defense Research Institute; Committees Employment Law, Commercial Litigation, Trial Tactics, Toxic Torts and Environmental Law; and Women in the Law
- Commissioner, Mississippi Bar Association (2006-2009)
- Committee on Professional Responsibility, Mississippi Bar Association (2010)
- Charles Clark Inns of Court
- Mid-South Super Lawyer ® (2006)
- Fellow of Litigation Counsel of America

- Atlanta Claims Association (Member)
- Appointed by the Judges of the United States District Court for the Southern District of Mississippi to serve as a member of the Magistrate Judge Selection Panel (2007)
- Leadership Jackson, 2002 2003
- Advisory Board Dress For Success
- Mississippi's 50 Leading Business Women (2003)

SPEAKING ENGAGEMENTS

Ms. Taylor has spoken on employment law issues at continuing legal education seminars.

ASSOCIATIONS

- American Bar Association
- Mississippi Bar Association
- Capital Area Bar Association
- Mississippi Women Lawyers
- Defense Research Institute
- Mississippi Defense Lawyers
- Litigation Counsel of America



MIKE CHANEY, Commissioner Insurance Department TRUDY FISHER, Executive Director Department of Environmental Quality LYNN FITCH, Treasurer Department of Treasury JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

MEMORANDUM

TO: Mississippi Tort Claims Board

FROM: Lea Ann McElroy

DATE: March 14, 2013

RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 29 political

subdivisions shown on attached list.

THURSDAY, MARCH 14, 2013

Political Subdivisions Recommended for Renewal of Certificates of Coverage

Alcorn County Fire Service Belden Fire Protection District Boque Phalia Drainage District Clarksdale City Clerk Fifteen Mile Bayou Water Management Jackson-George Regional Library Jefferson Davis County Schools LSR Volunteer Fire Dept Lewisburg Volunteer Fire Department Madison City Clerk Marion County Economic Development District Oak Vale Volunteer Fire Department Panola County Fire Service Region XIII, Commission For Mental Health Sevier Lake Drainage District Sharkey County Soil & Water Conservation District Sharkey-Issaquena Library Association Silver Creek Drainage District Singing River Health System Smith County Board of Supervisors South Madison County Fire Protection District Stonewall City Clerk Straight Bayou Drainage District Tuscumbia Water Management District Walthall County Board of Supervisors West Covington VFD West Jackson County Utility District Ellison Creek Drainage District

TOTAL PRINTED: 29